

5/027/079



United States Department of the Interior

BUREAU OF LAND MANAGEMENT FILLMORE FIELD OFFICE

35 East 500 North

Fillmore, UT 84631

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APR 05 2000

DIVISION OF
OIL, GAS AND MINING

IN REPLY REFER TO:

3809

(U-010)

UTU-075890

April 3, 2000

CERTIFIED MAIL # Z 135 573 591
RETURN RECEIPT REQUESTED

DECISION

WILLIAM PAPPAS	:	REJECTION
MANAGER	:	
CAMBRILLIC NATURAL STONE	:	NOTICE OF INTENTION TO
1730 S 1100 E	:	COMMENCE SMALL MINING
SALT LAKE CITY UT 84105	:	OPERATIONS

On March 20, 2000, we received a copy of an Amended Notice of Intention to Commence Small Mining Operations (notice) which you have submitted to the Utah Division of Oil, Gas and Mining. In that notice, you changed the location of your previously proposed mining operation from the Billy Boy mining claims, UMC 353658 and UMC 354029, to the Cambrillic, UMC 366336. We are considering this as a new notice, since the previous notice is under appeal, and have assigned it number UTU-075890.

We are rejecting the notice for the following reasons:

1. The Cambrillic Mining Claim was located on August 27, 1999, on top of a community pit that was established on May 16, 1997. You were informed of this in two letters sent from the Utah State Office of the BLM, Chief Branch of Mineral Adjudication, on November 16, 1999, and on December 2, 1999. In the November letter, regulation 43 CFR 3600.0-5(g) was quoted "The establishment of a community pit, when noted on the appropriate Bureau of Land Management (BLM) records or posted on the ground, constitutes a superior right to remove material as against any subsequent claim or entry of the lands." Furthermore IBLA 94-421 states:

"When BLM establishes a community pit on land formerly embraced by mining claims that became abandoned and void, any rights arising from subsequently located claims are subordinate to the community pit. BLM properly may preclude a mining claimant from

conducting mining operations within the pit area until the pit designation is terminated, and if mining operations are allowed, BLM can require a mining claimant to establish that the mineral mined from the claims is to be sold for qualifying uses."

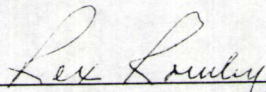
We believe the material to be common variety, and will not accept a Notice or approve a Plan of Operations within the Community Pit (CP) until you provide evidence and logic that we believe supports your contention that the material is locatable. This does not apply to the claims within the CP that were located prior to its establishment. The mining claims which were located prior to the establishment of the CP are: the Billy Boy and Helen #'s 1, 2 and 3, (UMC's 353656-8), the Billy Boy #4 (UMC 354029) and the Jerry G's #'s 1, 2 and 3 (UMC's 353712-4). Please note that only a small portion of the community pit is encumbered by these "grandfathered" claims. We acknowledge that BLM will sell no material from the area encompassed by these mining claims until they are abandoned, or the pending validity exam determines them to be null and void.

The material is considered locatable if it meets the following standards:

1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
 2. The mineral deposit in question must have a unique property;
 3. The unique property must give the deposit a distinct and special value;
 4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
 5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).
2. You have established a Record on Noncompliance (RON). The establishment of a RON requires the filing of a Plan, a 100% reclamation bond and, since we contend the material to be common variety, an escrow account for the appraised value of the material removed. The escrow account would be held until a validity exam is completed for the claims.
 3. This notice encompasses the location of a previous notice submitted by you as an operator for Baron Trading. The surface disturbance created under this notice was never reclaimed. Therefore, in accordance with 43 CFR 3809.1-3(a) which states: "Prior to conducting additional operations under a subsequent notice covering substantially the same ground, the operator shall have completed reclamation of operations which were conducted under any previous notice", we are unable to accept a notice for the location identified.

You may submit a proposal to buy the material. Sometime within the next six months, we anticipate conducting a competitive sale for the portion of the community pit where the Spectrum quarry is located and where there are no grandfathered claims. We will notify you of the bid date. If, in the interim, you wish to purchase a small amount of material, 99 or fewer tons, we are issuing over-the-counter permits. The rock is appraised at \$10.00 per ton, with a \$3.00 per ton reclamation fee. Or, you can enter into a contract for 1000 or fewer tons and in lieu of the reclamation fee, a reclamation bond would be submitted.

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.



Rex Rowley
Field Manager

bcc: Tom Munson, UBOGM (5/027/079)